



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की

खण्ड-13] रुड़की, शनिवार, दिनांक 06 अक्टूबर, 2012 ई0 (आश्विन 14, 1934 शक सम्वत्) [संख्या-40

विषय-सूची

प्रत्येक भाग के पृष्ठ अलग-अलग दिये गए हैं, जिससे उनके अलग-अलग खण्ड बन सकें

विषय	पृष्ठ संख्या	वार्षिक चन्दा
सम्पूर्ण गजट का मूल्य ...	—	रु0 3075
भाग 1-विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस ...	579-590	1500
भाग 1-क-नियम, कार्य-विधियां, आज्ञाएं, विज्ञप्तियां इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया ...	1307-1317	1500
भाग 2-आज्ञाएं, विज्ञप्तियां, नियम और नियम विधान, जिनको केन्द्रीय सरकार और अन्य राज्यों की सरकारों ने जारी किया, हाई कोर्ट की विज्ञप्तियां, भारत सरकार के गजट और दूसरे राज्यों के गजटों के उद्धरण ...	—	975
भाग 3-स्वायत्त शासन विभाग का क्रोड़-पत्र, नगर प्रशासन, नोटीफाइड एरिया, टाउन एरिया एवं निर्वाचन (स्थानीय निकाय) तथा पंचायतीराज आदि के निदेश जिन्हें विभिन्न आयुक्तों अथवा जिलाधिकारियों ने जारी किया ...	—	975
भाग 4-निदेशक, शिक्षा विभाग, उत्तराखण्ड ...	—	975
भाग 5-एकाउन्टेन्ट जनरल, उत्तराखण्ड ...	—	975
भाग 6-बिल, जो भारतीय संसद में प्रस्तुत किए गए या प्रस्तुत किए जाने से पहले प्रकाशित किए गए तथा सिलेक्ट कमेटियों की रिपोर्ट ...	—	975
भाग 7-इलेक्शन कमीशन ऑफ इण्डिया की अनुविहित तथा अन्य निर्वाचन सम्बन्धी विज्ञप्तियां ...	—	975
भाग 8-सूचना एवं अन्य वैयक्तिक विज्ञापन आदि ...	—	975
स्टोर्स पर्वेज-स्टोर्स पर्वेज विभाग का क्रोड़-पत्र आदि ...	—	1425

भाग 1

विज्ञप्ति-अवकाश, नियुक्ति, स्थान-नियुक्ति, स्थानान्तरण, अधिकार और दूसरे वैयक्तिक नोटिस

वन एवं पर्यावरण अनुभाग-2

विज्ञप्ति/अधिसूचना

17 सितम्बर, 2012 ई0

संख्या 1278/X-2-2012-20(1)/2005-श्री राज्यपाल महोदय, भारतीय वन अधिनियम, 1927 (अधिनियम संख्या 16, 1927) की धारा 76 सपठित धारा 28 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करके उत्तरांचल पंचायती वन नियमावली, 2005 में अग्रेत्तर संशोधन करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं:-

उत्तराखण्ड पंचायती वन (संशोधन) नियमावली, 2012

1. संक्षिप्त नाम और प्रारम्भ-(1) इस नियमावली का संक्षिप्त नाम, उत्तराखण्ड पंचायती वन (संशोधन) नियमावली, 2012 है।

(2) यह तुरन्त प्रवृत्त होगी।

2. नियम 7 (ख) का संशोधन-उत्तरांचल पंचायती वन नियमावली, 2005 जिसे यहां आगे मूल नियमावली कहा गया है, के मूल नियम 7 (ख) में नीचे स्तम्भ-1 में दिये गये वर्तमान नियम के स्थान पर स्तम्भ-2 में दिया गया नियम रख दिया जायेगा, अर्थात्

स्तम्भ-1

वर्तमान नियम

7. (ख) जब प्रबन्धन समिति का यथाविधि गठन हो जाये तो वे अपने में से बहुमत द्वारा सरपंच चयन करेंगे। गठन प्रक्रिया समाप्त होने पर परगना मजिस्ट्रेट सदस्यों एवं सरपंच का नाम वन पंचायत रजिस्टर में दर्ज करेगा और उनके हस्ताक्षर उक्त रजिस्टर में प्राप्त करेगा।

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

7. (ख) प्रदेश में वन पंचायत सरपंचों के 50 प्रतिशत पद महिलाओं के लिये आरक्षित होंगे। नियम-7(1)(क) अनुसार प्रबन्धन समिति का यथाविधि गठन हो जाये तो वे अपने में से बहुमत द्वारा सरपंच का चयन करेंगे, सरपंच के 50 प्रतिशत पद पर महिलाओं का आरक्षण सुनिश्चित करने हेतु प्रदेश में गठित प्रत्येक वन पंचायत प्रबन्धन समिति में एक बार महिला तथा एक बार पुरुष सरपंचों का चयन किया जायेगा। सम्बन्धित क्षेत्र के उप जिलाधिकारी अपने क्षेत्रान्तर्गत गठित/पुनर्गठित होने वाली वन पंचायतों में महिला व पुरुष सरपंच के चयन का रोस्टर अभिलिखित कर सम्बन्धित ग्राम में प्रचारित करेगा। गठन प्रक्रिया समाप्त होने पर उप जिलाधिकारी सदस्यों एवं सरपंच के नाम वन पंचायत रजिस्टर में दर्ज करेगा और उनके हस्ताक्षर उक्त रजिस्टर में प्राप्त करेगा।

3. नियम 11 का संशोधन-मूल नियमावली के नियम 11 में नीचे स्तम्भ-1 में दिये गये वर्तमान नियम के स्थान पर स्तम्भ-2 में दिया गया नियम रख दिया जायेगा, अर्थात्

स्तम्भ-1

वर्तमान नियम

11. प्रभागीय वनाधिकारी अपने अधिकार क्षेत्र में आने वाले समस्त ग्राम वनों/पंचायती वनों के लिये पाँच वर्ष की अवधि के लिये एक संहत प्रबन्ध योजना बनायेगा और

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

11. प्रभागीय वनाधिकारी अपने अधिकार क्षेत्र में आने वाले समस्त ग्राम वनों/पंचायती वनों के लिये पाँच वर्ष की अवधि के लिये एक संहत प्रबन्ध योजना बनायेगा।

स्तम्भ-1

वर्तमान नियम

इसे सम्बन्धित वन संरक्षक को अनुमोदन हेतु प्रस्तुत करेगा एवं वन संरक्षक बिना संशोधन के अथवा संशोधन सहित 60 दिनों के अन्दर अपना अनुमोदन देगा।

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

संहत प्रबन्ध योजना में वन पंचायतों को ग्राम पंचायतों से जोड़ने बाबत वन क्षेत्रों में वानिकी एवं पर्यावरण संरक्षण तथा जल संरक्षण कार्यों को भी समाहित किया जायेगा और इसे सम्बन्धित वन संरक्षक को अनुमोदन हेतु प्रस्तुत करेगा एवं वन संरक्षक बिना संशोधन के अथवा संशोधन सहित 60 दिनों के अन्दर अपना अनुमोदन देगा।

4. नियम 15(ग) का संशोधन—मूल नियमावली के नियम 15(ग) में नीचे स्तम्भ-1 में दिये गये वर्तमान नियम के स्थान पर स्तम्भ-2 में दिया गया नियम रख दिया जायेगा, अर्थात्

स्तम्भ-1

वर्तमान नियम

15. (ग) यदि किसी अपरिहार्य कारण से प्रबन्धन समिति का कार्यकाल समाप्त हो जाये और नयी प्रबन्धन समिति का गठन न हो सके तो कलेक्टर को उक्त प्रबन्धन समिति का कार्यकाल 6 मास हेतु बढ़ाने की शक्ति होगी और कलेक्टर यह सुनिश्चित करेगा कि उक्त विस्तारित अवधि में प्रबन्धन समिति का गठन हो जाये।

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

15. (ग) यदि किसी अपरिहार्य कारण से प्रबन्धन समिति का कार्यकाल समाप्त हो जाये और नयी प्रबन्धन समिति का गठन न हो सके तो कलेक्टर को उक्त प्रबन्धन समिति का कार्यकाल 6 मास हेतु बढ़ाने की शक्ति होगी और कलेक्टर यह सुनिश्चित करेगा कि उक्त विस्तारित अवधि के प्रथम 3 मास के अन्तर्गत सम्बन्धित क्षेत्र के उप जिलाधिकारी द्वारा प्रबन्धन समिति के गठन हेतु चुनाव की पूर्ण तैयारी शुरू कर दी है और प्रत्येक दशा में विस्तारित अवधि में ही प्रबन्धन समिति का गठन हो जाये।

आज्ञा से,

एस० रामास्वामी,
प्रमुख सचिव।

पशुपालन अनुभाग-1

अधिसूचना

प्रकीर्ण

17 सितम्बर, 2012 ई०

संख्या 960/XV-1/1(23)/11—श्री राज्यपाल महोदय, उत्तर प्रदेश गो सेवा आयोग अधिनियम, 1999 (उत्तराखण्ड राज्य में यथा प्रवृत्त) की धारा 23 सपठित धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करके, गो सेवा आयोग की निधि के संचालन के लिए निम्नलिखित नियमावली बनाते हैं:—

उत्तराखण्ड गोवंश संरक्षण निधि नियमावली, 2012

1. संक्षिप्त नाम—इस नियमावली का संक्षिप्त नाम, उत्तराखण्ड गोवंश संरक्षण निधि नियमावली, 2012 है।
2. परिभाषाएं—जब तक कि विषय या संदर्भ में कोई प्रतिकूल बात न हो, इस नियमावली में:—

(क) "राज्य सरकार" से उत्तराखण्ड की राज्य सरकार अभिप्रेत है;

(ख) "गोवंश" से निराश्रित, अलामकर गोवंश अभिप्रेत है;

- (ग) "निधि" से गोवंश के संरक्षण हेतु उत्तराखण्ड गोवंश संरक्षण निधि अभिप्रेत है;
- (घ) "अध्यक्ष" से अध्यक्ष, कार्यकारिणी समिति, उत्तराखण्ड गोवंश संरक्षण निधि अभिप्रेत है;
- (ङ) "उपाध्यक्ष" से उपाध्यक्ष, कार्यकारिणी समिति, उत्तराखण्ड गोवंश संरक्षण निधि अभिप्रेत है;
- (च) "सचिव" से सचिव, कार्यकारिणी समिति, उत्तराखण्ड गोवंश संरक्षण निधि अभिप्रेत है;
- (छ) "संयुक्त सचिव" से संयुक्त सचिव, कार्यकारिणी समिति, उत्तराखण्ड गोवंश संरक्षण निधि अभिप्रेत है;
- (ज) "कोषाध्यक्ष" से कोषाध्यक्ष, कार्यकारिणी समिति, उत्तराखण्ड गोवंश संरक्षण निधि अभिप्रेत है;
- (झ) "वर्ष" से पहली अप्रैल से प्रारम्भ होने वाले 12 माह अभिप्रेत है;
- (ञ) "कोष" से इस नियमावली के प्राविधानों के अन्तर्गत प्राप्त/प्राप्तियाँ अभिप्रेत है;
- (ट) "अधिनियम" से उत्तर प्रदेश गो-सेवा आयोग अधिनियम, 1999 (उत्तराखण्ड राज्य में यथाप्रवृत्त) अभिप्रेत है।

3. कार्यकारिणी समिति—(1) निधि की एक कार्यकारिणी समिति होगी, जो निधि के कार्य-कलापों का प्रबन्ध करेगी एवं नियमावली के अन्तर्गत सौंपे गये कार्यों का निष्पादन करेगी। निधि के समस्त कार्य-कलाप, वित्तीय एवं इतर कार्य कार्यकारिणी समिति द्वारा प्रशासित होंगे। यह एक निगमित निकाय होगा, जिसकी शाश्वत् उत्तराधिकारिता होगी तथा उसकी एक सामान्य मुद्रा होगी।

(2) कार्यकारिणी समिति में निम्न सदस्य होंगे; अर्थात्:-

- | | |
|---|-----------------|
| (क) पशुपालन मंत्री, उत्तराखण्ड | — अध्यक्ष; |
| (ख) उपाध्यक्ष, उत्तराखण्ड गो सेवा आयोग | — उपाध्यक्ष; |
| (ग) उपाध्यक्ष, उत्तराखण्ड राज्य पशु कल्याण बोर्ड | — सदस्य; |
| (घ) प्रमुख सचिव, वन एवं ग्राम्य विकास आयुक्त | — सदस्य; |
| (ङ) प्रमुख वन संरक्षक (वन पंचायत) | — सदस्य; |
| (च) सचिव, पशुपालन/उत्तराखण्ड गो सेवा आयोग | — सदस्य सचिव; |
| (छ) सचिव, वित्त, उत्तराखण्ड शासन | — सदस्य; |
| (ज) निदेशक, पशुपालन विभाग, उत्तराखण्ड | — सदस्य; |
| (झ) सचिव, उत्तराखण्ड राज्य पशु कल्याण बोर्ड | — सदस्य; |
| (ञ) संयुक्त निदेशक, उत्तराखण्ड राज्य पशु कल्याण बोर्ड | — संयुक्त सचिव; |
| (ट) वित्त अधिकारी, पशुपालन निदेशालय | — कोषाध्यक्ष। |

4. कार्यकारिणी समिति की शक्तियाँ, कर्तव्य एवं अधिकार—(1) निधि के उचित और आवश्यक रूप से सुगम संचालन हेतु कार्यकलापों का निर्वहन एवं प्रबन्धक कार्यकारिणी समिति द्वारा किया जायेगा, जो अधिनियम एवं उसके अधीन बनाई गई इस नियमावली के द्वारा प्रदत्त अधिकारिता का प्रयोग करेंगे।

(2) निधि की समस्त चल एवं अचल या अन्य किसी प्रकार की सम्पत्ति कार्यकारिणी समिति में निहित होगी।

(3) पूर्वगामी प्राविधानों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना कार्यकारिणी समिति की निम्नलिखित शक्तियाँ होंगी:-

- (क) उपहार, दान, अनुदान, आदान-प्रदान, पट्टा द्वारा भूमि, भवन या अन्य स्थावर सम्पत्ति का उनसे संलग्न सभी अधिकारों सहित अर्जन करना;
- (ख) निधि की सम्पत्ति का प्रबन्धन करना;
- (ग) निधि के लिए उपहार, दान, अनुदान आदि द्वारा धन जुटाना;
- (घ) निधि के लिए एवं निधि की ओर से धन, प्रतिभूतियाँ, विलेख एवं/अथवा अन्य चल सम्पत्तियाँ प्राप्त करना;
- (ङ) अपने प्रत्यायित अभिकर्ताओं द्वारा रसीद निर्गत करना, विलेखों को निष्पादित करना, चौकों अथवा अन्य परक्राम्य लिखित का पृष्ठांकन या भित्तिकाटन करना;
- (च) निधि के कार्य-कलापों के संचालन एवं निधि की सम्पत्ति के प्रबन्धन के लिए उचित एवं आवश्यक ऐसे अभिलेखों एवं लिखतों को तैयार निष्पादन एवं उन पर हस्ताक्षर करना;
- (छ) निधि और चल या अचल सम्पत्ति का प्रबन्धन, अन्तरण तथा निपटारा करना;
- (ज) पदाधिकारियों की शक्तियों, कार्यों एवं कर्तव्यों का निर्धारण करना;
- (झ) निधि के लेखों के परीक्षण हेतु सम्प्रेक्षकों को नियुक्त करना;
- (ञ) निधि के कार्य-कलापों के संचालन अथवा निधि द्वारा जिम्मा लिए गए अध्ययनों, अन्वेषणों, शोधों, प्रशिक्षणों एवं अन्य गतिविधियों के संचालन हेतु समय-समय पर ऐसी संख्या तथा शर्तों पर उपयुक्त व्यक्तियों को रखना।

(4) कार्यकारिणी समिति को राज्य सरकार के पूर्वानुमोदन से निम्नलिखित विषयों के सम्बन्ध में विनियम बनाने की शक्ति होगी:-

- (क) निधि की सम्पत्ति, कोष, कार्य-कलापों तथा कार्यों का प्रबन्धन;
- (ख) समय-समय पर कार्यकारिणी समिति की बैठकों के आयोजन एवं संचालन की प्रक्रिया का निर्धारण;
- (ग) अन्य ऐसे विषय, जो आवश्यक समझे जायें; अर्थात्:-
 - (एक) अध्यक्ष, उपाध्यक्ष, सदस्य सचिव तथा कार्यकारिणी समिति के सदस्यों में कर्तव्यों का विभाजन;
 - (दो) बैठकों से इतर उनके निर्णयों के अभिनिश्चयन की रीति;
 - (तीन) समिति की बैठकों के कामकाज की प्रक्रिया एवं संचालन;
 - (चार) समिति की शक्तियों का एकल सदस्य या उपसमिति या उपसमितियों को प्रतिनिधायन;
 - (पाँच) समिति के कार्यालय में रखे जाने वाले बही खाते;
 - (छ) निधि के कोष की अभिरक्षा एवं अभिनियोजन;
 - (सात) समिति के बजट में सम्मिलित किए जाने वाले या छोड़ दिए जाने वाले विवरण;
 - (आठ) बैठकों का समय एवं स्थान;
 - (नौ) बैठक की सूचना दिए जाने की रीति;
 - (दस) बैठक की कार्यवाही के अभिलेखन एवं प्रकाशन की रीति;
 - (ग्यारह) समिति को भुगतान हेतु जिन व्यक्तियों द्वारा रसीद जारी की जायेगी;
 - (बारह) कर्तव्यों का पालन।

5. पदाधिकारियों की शक्तियों एवं कर्तव्य—(1) अध्यक्ष, निधि का प्रमुख होगा, जो कार्यकारिणी समिति की बैठकों का समापन करेगा एवं पदाधिकारियों तथा कार्यकारिणी समिति के सदस्यों को निर्देश जारी करेगा। वह कार्यकारिणी समिति की कोई आपात बैठक बुला सकेगा।

(2) अध्यक्ष की अनुपस्थिति में उपाध्यक्ष कार्यकारिणी समिति की बैठकों की अध्यक्षता करेगा ताकि उसमें अध्यक्ष द्वारा लिखित रूप में समनुदेशित समस्त शक्तियां निहित होंगी।

(3) सदस्य सचिव, निधि की सम्पत्ति पर सामान्य नियंत्रण रखेगा तथा निधि के वित्तीय, प्रशासनिक एवं न्यायिक मामलों की देख-रेख करेगा। सदस्य सचिव कार्यकारिणी समिति के समक्ष लेखों की वार्षिक संपरीक्षित रिपोर्ट प्रस्तुत करेगा।

(4) सदस्य सचिव, निधि के कार्यों में अध्यक्ष का सहयोग करेगा। सदस्य-सचिव को जब और जैसा आवश्यक हुआ विशेष कार्य सौंपे जा सकते हैं। कार्यकारिणी समिति की पूर्वानुमति से सदस्य-सचिव, संयुक्त सचिव के साथ संयुक्त रूप से किसी विलेख अथवा अनुबन्ध पर हस्ताक्षर करने हेतु अधिकृत है। वह संयुक्त सचिव के साथ संयुक्त रूप से निधि के बैंक खाते का संचालन करने के लिए अधिकृत होगा।

(5) जंगम एवं स्थावर सम्पत्ति तथा खातों का रख-रखाव, सदस्य-सचिव द्वारा किया जायेगा।

(6) कोषाध्यक्ष, निधि के लेखों के उचित रख-रखाव तथा वार्षिक लेखा परीक्षा सम्पादित कराने के लिए उत्तरदायी होगा। वह सदस्य-सचिव के परामर्श तथा अध्यक्ष की पूर्व स्वीकृति से लिए जाने वाले कार्यों के प्रस्ताव एवं आगणन कार्यकारिणी समिति के समक्ष प्रस्तुत करने के लिए भी उत्तरदायी होगा।

6. कार्यकारिणी समिति की बैठकें—कार्यकारिणी समिति की बैठक वार्षिक होगी किन्तु विशेष परिस्थितियों में अध्यक्ष की अनुमति से इसकी बैठक किसी भी समय आहूत की जा सकेगी। कार्यकारिणी समिति की बैठक के लिए पन्द्रह दिन पूर्व सूचना भेजी जानी आवश्यक होगी। आपात परिस्थितियों में सदस्य-सचिव द्वारा अध्यक्ष की अनुमति से बैठक अल्प सूचना पर भी आहूत की जा सकेगी।

7. निधि का वित्त पोषण—(1) कार्यकारिणी समिति के प्रबन्धन एवं नियंत्रण में एक कोष स्थापित होगा, जिसमें उसे प्राप्त समस्त धनराशि (जिसमें दान एवं अनुदान आदि सम्मिलित हैं) रखी जायेगी तथा उससे निधि के सभी खर्चों, जिनमें कोई भुगतान या अनुदान देना तथा दायित्व सृजन सम्मिलित है, का भुगतान किया जायेगा।

(2) निधि विभिन्न स्रोतों से कोष की समुत्थापना करेगी, जिसमें व्यक्तियों अर्द्धसरकारी, निजी एवं सार्वजनिक संस्थाओं, न्यासों, निगमित निकायों एवं राज्य तथा केन्द्र दोनों सरकारों से दान एवं योगदान आदि सम्मिलित होंगे।

(3) कार्यकारिणी समिति कुल प्राप्तियों का एक तिहाई राष्ट्रीयकृत बैंकों में दीर्घकालीन सावधि जमा में निवेश करेगी। यह धनराशि कार्यकारिणी समिति के सर्वसम्मत् निर्णय से ही व्यय की जा सकेगी।

(4) कार्यकारिणी समिति निधि में जमा कोई भी धनराशि राष्ट्रीयकृत बैंकों में सावधि जमा में निवेश कर सकती है।

(5) कार्यकारिणी समिति साधारण बहुमत द्वारा पारित संकल्प से कुल प्राप्तियों की दो तिहाई तक सीमित धनराशि निधि के उद्देश्यों/कारणों से सुसंगत कार्यों/गतिविधियों पर उन तरीके से जैसा वह उपयुक्त एवं उचित समझे व्यय करने को अधिकृत कर सकती है।

(6) चार्टर्ड एकाउन्टेन्ट्स अधिनियम, 1949 (1949 का 38) में निहित अर्थानुसार व्यवसायरत चार्टर्ड एकाउन्टेन्ट्स, जिसे वार्षिक आधार पर कार्यकारिणी समिति द्वारा नियुक्त किया जायेगा, द्वारा समिति के वार्षिक लेखों की संपरीक्षा की जायेगी।

(7) जहां तक साध्य हो वर्षान्त के पश्चात् किन्तु अगले वर्ष के 30 सितम्बर से पूर्व, समिति उस वर्ष की संपरीक्षित लेखों एवं उस वर्ष की समिति की रिपोर्ट की प्रति उत्तराखण्ड के राजपत्र में प्रकाशित करायेगी तथा इनकी प्रतियां सभी सदस्यों एवं राज्य सरकार को अग्रेषित करेगी।

(8) समिति के बैंक खाते भारतीय स्टेट बैंक की देहरादून स्थित मुख्य शाखा में खोले जायेंगे, जो निधि के सदस्य-सचिव एवं संयुक्त सचिव द्वारा संयुक्त रूप से परिसंचालित होंगे।

8. संपरीक्षा-कार्यकारिणी समिति प्रतिवर्ष निधि के लेखों की संपरीक्षा के लिए एक संपरीक्षक नियुक्त करेगी तथा उसका पारिश्रमिक नियत करेगी, जिसका भुगतान निधि के कोष से किया जायेगा। संपरीक्षक अपनी रिपोर्ट समिति को प्रस्तुत करेगा तथा एक प्रति राज्य सरकार को प्रेषित करेगा, जो जैसा वह उचित समझे निर्देश जारी कर सकती है, जिसका समिति द्वारा अनुपालन किया जायेगा।

9. वार्षिक प्रशासनिक रिपोर्ट-कार्यकारिणी समिति, उस समय के पूर्व जैसा राज्य सरकार द्वारा निर्धारित किया जाये, निधि के कार्य-कलापों के प्रशासन के सम्बन्ध में रिपोर्ट प्रतिवर्ष राज्य सरकार को प्रस्तुत करेगी।

10. राज्य सरकार की लेखा एवं सूचनाएँ माँगने की शक्ति-राज्य सरकार, ऐसी सूचनाओं एवं लेखों की माँग कर सकती है, जो उसके विचार में उन्हें युक्तियुक्त रूप से संतुष्ट करने के लिए आवश्यक हो। कार्यकारिणी समिति ऐसी अपेक्षा पर तत्काल ऐसी सूचनाएं एवं लेखे राज्य सरकार को प्रस्तुत करने के लिए बाध्य होगी।

11. न्यायिक वाद एवं कार्यवाही पर प्रतिबन्ध-कार्यकारिणी समिति अथवा इसके सदस्य के विरुद्ध इस नियमावली के प्राविधानों के अन्तर्गत निधि के निष्पादन में सदभावनापूर्वक किए गए किसी कृत्य या तात्पर्यित रूप से समझे गए किसी कृत्य के लिए कोई वाद या कार्यवाही किसी न्यायालय में प्रारम्भ नहीं की जा सकेगी।

आज्ञा से,

आर०सी० पाठक,
सचिव।

In pursuance of the provisions of clause (3) of Article 348 of "the Constitution of India", the Governor is pleased to order the publication of the following English translation of notification no. 960/XV-1/1(23)/11, dated September 17, 2012 for general information:

NOTIFICATION

Miscellaneous

September 17, 2012

No. 960/XV-1/1(23)/11--In exercise of the powers conferred by section 17 read with section 23 of the Uttar Pradesh Go-Sewa Ayog Act, 1999 (as applicable to the State of Uttarakhand), Governor is pleased to make the following rules to regulate the fund of Go-Sewa Ayog:--

The Uttarakhand Protection of Cow Progeny Fund Rules, 2012

1. Short title--These rules may be called the Uttarakhand Protection of Cow Progeny Fund Rules, 2012.

2. Definitions--In this rules, unless there is anything repugnant in the subject or context--

- (a) "State Government" means the Government of Uttarakhand;
- (b) "Cow Progeny" means unsheltered and uneconomic cow progeny;
- (c) "Fund" means the Uttarakhand Protection of Cow Progeny Fund for maintenance of cow progeny;
- (d) "Chairman" means Chairman of the Executive Committee of Uttarakhand Protection of Cow Progeny Fund;
- (e) "Vice Chairman" means Vice Chairman of the Executive Committee of Uttarakhand Protection of Cow Progeny Fund;
- (f) "Secretary" means Secretary of the Executive Committee of Uttarakhand Protection of Cow Progeny Fund;

- (g) **"Joint Secretary"** means Joint Secretary of the Executive Committee of Uttarakhand Protection of Cow Progeny Fund;
- (h) **"Treasurer"** means Treasurer of the Executive Committee of Uttarakhand Protection of Cow Progeny Fund;
- (i) **"Year"** means 12 months commencing on the first day of April;
- (j) **"Fund"** means the receipts received as per the provisions of these rules;
- (k) **"Act"** means the Uttar Pradesh Go-Sewa Ayog Act, 1999 (as applicable to the State of Uttarakhand);

3. Executive Committee--(1) There shall be an Executive Committee of the fund for the management of the affairs of the fund and for discharging the functions assigned to it by or under this rules. All affairs of the fund, pecuniary and otherwise, shall be administered by the Executive Committee. It shall be a body corporate and shall have a perpetual succession and a common seal.

(2) The Executive Committee shall comprise of the following members; namely:--

- | | |
|--|----------------------|
| (a) Minister, Animal Husbandry of the State of Uttarakhand | -- Chairman; |
| (b) Vice-Chairman, Uttarakhand Go-Sewa Ayog | -- Vice Chairman; |
| (c) Vice Chairman, Uttarakhand State Animal Welfare Board | -- Member; |
| (d) Principal Secretary, Forest and Rural Development Commissioner | -- Member; |
| (e) Principal Conservator of Forest (Van Panchayat) | -- Member; |
| (f) Secretary, Animal Husbandry/Uttarakhand Go-Sewa Ayog | -- Member Secretary; |
| (g) Secretary, Finance, Government of Uttarakhand | -- Member; |
| (h) Director, Animal Husbandry, Uttarakhand | -- Member; |
| (i) Secretary, Uttarakhand State Animal Welfare Board | -- Member; |
| (j) Joint Director, Uttarakhand State Animal Welfare Board | -- Joint Secretary; |
| (k) Finance Officer, Directorate of Animal Husbandry, Uttarakhand | -- Treasurer; |

4. Powers Duties and Rights of Executive Committee--(1) The affairs of the Nidhi shall be carried on and managed by the Executive Committee who shall exercise such powers and authority of Nidhi as may be necessary and prudent for its smooth conduct consistent with the stated aims and objects.

(2) All properties, moveable and immovable or of any kind of property shall stand vested in the Executive Committee.

(3) Without prejudice to the generality of the forgoing provisions, the Executive Committee shall have following powers:--

- to acquire by gift donations, grants, exchange, lease lands, buildings or other immovable properties together with all rights appertaining thereto;
- to manage the properties of the Nidhi;
- to raise funds for the Nidhi through gifts, donations, grants etc;
- to receive money, securities, instruments and/or any other movable properties for and on behalf of the Nidhi;
- to issue receipts, to sign and execute instruments and to endorse or discount cheque of other negotiable instruments through accredited agents;
- to make, sign and execute such documents and instruments as may be necessary and proper for caring on the management of the property and affairs of the Nidhi;
- to manage, transfer, dispose of any movable or immovable property of the Nidhi;
- to prescribe powers, functions and duties of the office bearers;
- to appoint an auditors or auditors for auditing the accounts of the Nidhi;

- (j) to keep appropriate persons as in numbers and conditions for the conduction of affairs of Nidhi or responsibilities taken by the Nidhi of studies, investigations, researches, trainings and other activities.
- (4) The Executive Committee shall have the powers to make regulations for the following subjects:--
- (a) Management of the property, fund, activities and works of the Nidhi;
 - (b) To prescribe the procedure for conduction and organization of meetings of the Executive Committee from time to time;
 - (c) Any other subjects which seems necessary means; namely:--
 - (i) the divisions of duties among of chairman, the Vice-Chairman, the Member Secretary, the Joint secretary, the Treasurer and the Members of the Executive Committee;
 - (ii) the manner in which their decisions may be ascertained otherwise then at the meetings;
 - (iii) the procedure and conduct of business at meetings of the Committee;
 - (iv) the delegation of powers of the Committee to individual members or to a sub-committee or sub-committees;
 - (v) the books of accounts to be kept at the office to the Committee;
 - (vi) the custody and deployment of the Nidhi funds;
 - (vii) the details to be include in or excluded from the budget of the Committee;
 - (viii) the time and place of its meetings;
 - (ix) the manner in which notice of its meetings shall be given;
 - (x) the manner in which the proceedings of its meetings shall be recorded and published;
 - (xi) the persons by whom receipts may be granted for moneys paid to the Committee;
 - (xii) the performance of duties.

5. Powers and Duties of the Office Bearers--(1) The Chairman shall be the head of the Nidhi, who shall preside over all the meeting of the Executive Committee and the issue instruction to office bearers and members of the Executive Committee. He/She can call any emergency meeting of Executive Committee.

(2) Vice Chairman shall preside over all the meeting of the Executive Committee in the absence of the Chairman, and perform all the duties of the Chairman and shall be vested with all the powers which will be formally assigned to him by the Chairman in writing.

(3) Secretary shall exercise general control over the property of the Nidhi and look after the administrative and legal matters of the Nidhi. The Member-Secretary shall be placed annual audited account before the Executive Committee.

(4) Member-Secretary shall assist the Chairman in the functioning of the Nidhi. The Secretary can be assigned specific duties as and when required. The Secretary is empowered to sign any deed or agreement jointly with treasurer for and on behalf of the Nidhi with prior approval of the Executive Committee. He shall be empowered to operate bank account of the Nidhi jointly with Joint Secretary.

(5) The movable and immovable properties and accounts shall be maintained by the Member-Secretary.

(6) Treasurer shall be responsible for proper maintenance and prescribed annual audits of accounts of the Nidhi. He/She shall also responsible to placed proposals and estimates for the works to be undertaken before the Executive Committee in consultation and with prior approval of the secretary.

6. Meetings of the Executive Committee--The Executive Committee shall meet annually but in the special case may meet whenever necessary with the permission of the Chairman. A fortnight's notice will be required for the Executive Committee meeting. Under emergent circumstances meeting may be called the Secretary with the approval of the Chairman at short notice.

7. Finance of the Nidhi--(1) There shall be established a Fund under the management and control of the Executive Committee into shall be deposited all money (including donations and grants etc.) received by the Nidhi and out of which shall be met all expenses including any payments or grants made liabilities incurred by the Nidhi.

(2) The Nidhi will raise funds from the various sources, including donations and contribution from individuals, public and private institutions, trust, bodies corporate, and both Union and State Governments.

(3) The Executive Committee will deploy one third of total receipts in long term fixed deposits with the nationalized banks. Such deposits shall only be spent with the unanimous decision of the Executive Committee.

(4) The Executive Committee may invest any money of the time being standing of the credit of the Nidhi in the fixed deposits with the nationalized banks.

(5) The Executive Committee by a resolution passed by a simple majority authorizes spending of money, limited to two thirds of its total receipts, on works/activities consistent with the aims and objects of the Nidhi in such manner as it deems fit and proper.

(6) The annual accounts of the Nidhi shall be subject to audit by a Chartered Accounts in practice within the meaning of the Chartered Accounts Act, 1949 (38 of 1949), to be appointed annually by the Executive Committee.

(7) As soon as may be practicable after the end of the year, but not later than the 30th day of September of the year next following, the council shall cause to be published in the Gazette of Uttarakhand a copy of the audited accounts and the report of the council for that year and copies of the said accounts and report shall be forwarded to the State.

(8) The account of the fund shall be opened with the State Bank of the India Main Branch, Dehradun, which shall be operated jointly by the Secretary and Joint Secretary of the fund.

8. Audit--The Executive Committee shall every year appoint an auditor to audit the accounts of the fund and fix his remuneration which shall be paid to such auditor from the fund. The Auditor shall submit his report to the Committee and send a copy of it to the State Government which may issue such directions.

9. Annual Administrative Report--The Executive Committee shall annually submit to the State Government a report on the administrative of the affairs of the fund by such time as the State Government may prescribe.

10. Power of the State Government to seek accounts and information--The State Government shall have the power to ask for such information and account statements which it consider necessary to satisfy itself that the fund properly managed, secured and administered and the Executive Committee shall immediately provide such information's and account statements on such expectation.

11. Bar to suit or proceedings--No suit or proceeding shall lie in any court against the Executive Committee or its, Members for anything done or purported to be done by them in good faith in pursuance of the aims and objects of the fund under the provisions of this rules.

By Order,

R.C. Pathak,
Secretary.

वित्त अनुभाग-9

अधिसूचना

18 सितम्बर, 2012 ई0

संख्या 532/XXVII (9)/2012/स्टाम्प-28/2012-श्री राज्यपाल महोदय, साधारण खण्ड अधिनियम, 1897 (केन्द्रीय अधिनियम संख्या 10, वर्ष 1897) की धारा 21 सपठित हिन्दू विवाह अधिनियम, 1955 (केन्द्रीय अधिनियम संख्या 25, वर्ष 1955) की धारा 8 की उपधारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश हिन्दू विवाह नियमावली, 1973 (उत्तराखण्ड राज्य में यथा प्रवृत्त) में उत्तराखण्ड राज्य के परिप्रेक्ष्य में अग्रेतर संशोधन करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं:-

उत्तराखण्ड हिन्दू विवाह रजिस्ट्रेशन (संशोधन) नियमावली, 2012

1. संक्षिप्त नाम और प्रारम्भ-(1) इस नियमावली का संक्षिप्त नाम, उत्तराखण्ड हिन्दू विवाह रजिस्ट्रेशन (संशोधन), नियमावली, 2012 है।

(2) यह तुरन्त प्रवृत्त होगी।

2. नियम 10 का संशोधन-उत्तर प्रदेश हिन्दू विवाह रजिस्ट्रेशन नियमावली, 1973, में नीचे स्तम्भ-1 में दिये गये वर्तमान नियम 10 के उपनियम (1) के खण्ड (एक) और खण्ड (दो) के स्थान पर स्तम्भ-2 में दिया गया नियम रख दिया जायेगा; अर्थात्:-

स्तम्भ-1

वर्तमान नियम

10(1) विवाह के पंजीकरण हेतु प्रस्तुत होने वाले आवेदन-पत्र पर शुल्क होगा-

(एक) ₹ 2.00, विवाह संस्कार सम्पन्न होने के दो माह के अन्दर पंजीकरण हेतु प्रस्तुत होने वाले आवेदन-पत्र पर;

(दो) ₹ 4.00, विवाह संस्कार सम्पन्न होने के दो माह पश्चात् विवाह के पंजीकरण हेतु प्रस्तुत होने वाले आवेदन-पत्र पर नगद अथवा मनीआर्डर द्वारा रजिस्ट्रार को भुगतान करने पर।

स्तम्भ-2

एतद्वारा प्रतिस्थापित नियम

10(1) विवाह के पंजीकरण हेतु प्रस्तुत होने वाले आवेदन-पत्र पर शुल्क होगा-

₹ 100.00, विवाह संस्कार सम्पन्न होने के पश्चात् विवाह के पंजीकरण हेतु प्रस्तुत होने वाले आवेदन-पत्र पर नगद रजिस्ट्रार को भुगतान करने पर।

आज्ञा से,

राधा रतूड़ी,
सचिव।

In pursuance of the provisions of clause (3) of Article 348 of "the Constitution of India", the Governor is pleased to order the publication of the following English translation of notification no. 532/XXVII(9)/2012/Stamp-28/2012, Dehradun, dated September 18, 2012 for general information:

NOTIFICATION

September 18, 2012

No. 532/XXVII(9)/2012/Stamp-28/2012-In exercise of the powers conferred by section 21 of the General Clauses Act, 1897 (Central Act No. 10 of 1897) read with sub-section (1) of section 8 of the Hindu Marriage Act, 1955 (Central Act no. 25 of 1955), the Governor is pleased to make the following rules in view further amend the Uttar Pradesh Hindu Marriage Registration Rules, 1973 (as applicable to the State of Uttarakhand) to the context

of the State of Uttarakhand:--

**The Uttarakhand Hindu Marriage Registration (Amendment)
Rules, 2012**

1. Short title and commencement--(1) These rules may be called the Uttarakhand Hindu Marriage Registration (Amendment) Rules, 2012.

(2) It shall come into force at once.

2. Amendment of Rule 10--In Hindu Marriage Registration Rules, 1973 for the existing clause(i) and clause (ii) of sub-rule (1) of rule 10, as set out in column 1 below, the rule as set out in column 2, shall be Substituted; namely:--

Column-1 <i>Existing Rule</i>	Column-2 <i>Rules as hereby substituted</i>
10 (1) The fee for entertaining an application for registration of a marriage shall be--	10 (1) The fee for entertaining an application for registration of a marriage shall be--
(i) Rs. 2.00, if the application for registration of a marriage is made within two months of the date of the solemnization;	(i) Rs. 100.00, if the application for registration of a marriage is made after solemnization and shall be paid to the Registrar in cash.
(ii) Rs. 4.00, if the application for registration of a marriage is made after two months of the date of its solemnization and shall be paid to the Registrar either in cash or by money order.	

By Order,

RADHA RATURI,
Secretary.



सरकारी गजट, उत्तराखण्ड

उत्तराखण्ड सरकार द्वारा प्रकाशित

रुड़की, शनिवार, दिनांक 06 अक्टूबर, 2012 ई0 (आश्विन 14, 1934 शक सम्वत्)

भाग 1-क

नियम, कार्य-विधियां, आज्ञाएं, विज्ञप्तियां इत्यादि जिनको उत्तराखण्ड के राज्यपाल महोदय, विभिन्न विभागों के अध्यक्ष तथा राजस्व परिषद् ने जारी किया

HIGH COURT OF UTTARAKHAND, NAINITAL

NOTIFICATION

No. 125 UHC/Admn.-B/XI-C/2005

July 07, 2012

Alternative Dispute Resolution (Amendment) Rules, 2012

(To amend the Civil Procedure Mediation Rules, 2007)

1. (a) These Rules may be called the Civil Procedure Mediation (Amendment) Rules, 2012.
(b) These Rules shall come into force with immediate effect.
2. Rule 24 of the Civil Procedure Mediation Rules, 2007 (Original Rules) shall be amended as under--

Existing Rule	Amended Rule
Rule 24 (1) : At the time of referring the disputes to mediation, the court shall, fix the fee of the mediator and shall be payable by the parties as directed by the Court	Rule 24 (1) : The fee of the mediator shall be paid on case basis and not on meeting basis. The fee as fixed from time to time, shall be paid by State Legal Services Authority or District Legal Services Authority as the case may be.
Rule 24 (2) : As far as possible a consolidated sum may be fixed rather than for each session or meeting.	Rule 24 (2) : The mediator shall be paid fee as per following scale : (a) Successful Mediation : Rs. 5,000/- per case. (b) Unsuccessful Mediation : Rs. 1,000/- per case.
Rule 24 (3) : Each party shall bear the cost for production of witnesses on his side including experts, or for production of documents.	Rule 24 (3) : The cost of mediation shall be borne by the State Legal Service Authority or District Legal Service Authority, as the case may be.

Existing Rule	Amended Rule
<p>Rule 24 (4) : The mediator may, before the commencement of mediation, direct the parties to deposit equal sums, tentatively, to the extent of 40% of the probable costs of the mediation, as referred to in clause (1) and (3). The remaining 60% shall be deposited with the mediator, after the conclusion of mediation. For the amount of cost paid to the mediator, he shall issue the necessary receipts and a statement of account shall be filed by the mediator in the Court.</p>	<p>Rule 24 (4) : The mediator shall be paid the fee at the conclusion of the mediation as per clause (2) and upon a certificate issued by the Court.</p>
<p>Rule 24 (5) : The expenses of mediation including fee, if not paid by the parties the Court shall on the application of the mediator or parties direct the concerned party to pay and if they do not pay the Court shall recover the said amounts as if there was a decree for the said amount.</p>	<p>Rule 24 (5) : Delete.</p>
<p>Rule 24 (6) : Where a party is entitled to legal aid under section 12 of the Legal Services Authority Act, 1987, the amount of fees payable to the mediator and costs shall be paid by the concerned Legal Services Authority under the Act.</p>	<p>Rule 24 (6) : Delete.</p>

By Order,

Sd/-
Registrar General.

Part I

Alternative Dispute Resolution Rules

Rule 1:

These Rules shall be called the 'Civil Procedure-Alternative Dispute Resolution Rules 2007'.

Rule 2: Procedure for directing parties to opt for alternative modes of settlement.

- (a) The Court shall, after recording admissions and denials at the first hearing of the suit under Rule 1 of Order X C.P.C. and where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, formulate the terms of settlement and give them to the parties for their observations under sub-section (1) of Section 89 C.P.C. and the parties shall submit to the Court their responses within thirty days.
- (b) At the next hearing which shall be not later than thirty days of the receipt of responses and after modification of terms of a possible settlement, if necessary, the Court shall direct the parties to opt for one of the modes of settlement of disputes outside the Court as specified in clauses (a) to (d) of sub-section (1) of Section 89 read with Rule 1A of Order X, Code of Civil Procedure in the manner stated hereunder :

Provided that the Court in the exercise of such power, shall not refer any dispute to arbitration or to judicial settlement by a person or institute without the written consent of all the parties to the suit.

Rule 3: Persons authorized to take decision for the union of India, State Government and others :

Where one of the parties to the suit is the Union of India, State Government, Union Territory, Local Authority, a Public Sector Undertaking, a Statutory Corporation or body or Public Authority, shall nominate a person or group of persons who will be empowered to take a final decision as to the mode of Alternative Dispute Resolution which, it opt for. Such decision shall be communicated to the concerned Court within the period specified in the notice but not later than thirty days from the date of receipt of notice :

Rule 4: Court to give guidance to parties while giving direction to opt :

Before directing the parties to exercise option under clause (b) of Rule 2, the Court shall give such guidance as it deems fit to the parties by drawing their attention to the relevant factors which parties should take into account before they exercise their option as to the particular mode of settlement, namely :

- (i) That it will be to the advantage of the parties, so far as time and expense are concerned, to opt for one mode of settlement referred to in section 89 C.P.C. rather than seek a trial on the disputes arising in the suit;
- (ii) That, where there is no relationship between the parties which requires to be preserved, it may be in the interest of the parties to seek reference of the matter of arbitration as envisaged in clause (a) of sub-section (1) of section 89 C.P.C.
- (iii) That, where there is a relationship between the parties which requires to be preserved, it may be in the interest of parties to seek reference of the matter to conciliation or mediation as envisaged in clauses (b) or (d) of sub-section (1) of section 89 C.P.C.

Explanation : Disputes arising in matrimonial, maintenance and child custody matters shall among others be treated as cases where a relationship between the parties has to be preserved.

- (iv) That where parties are interested in a final settlement which may lead to a compromise, it will be in the interest of the parties to seek reference of the matter to Lok Adalat or to Judicial settlement as envisaged in clause (c) of sub-section (a) of section 89 C.P.C.
- (v) The difference between the different modes of settlement, namely arbitration, conciliation, mediation, Lok Adalat and Judicial settlement is explained as under.

Settlement by 'Arbitration' means the process by which an arbitrator appointed by parties or by the Court, as the case may be, adjudicates the disputes between them and passes an award by applying the provisions of the Arbitration and conciliation Act, 1996 (26 of 1996), insofar as they refer to arbitration.

Settlement by 'Conciliation' means the process by which conciliator who is appointed by parties or by the Court as the case may be, conciliates the disputes between the parties to the suit by the application of the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) in so far as they relate to conciliation and in particular in exercise of his powers under sections 67 and 73 of said Act, by making proposals for a settlement of the dispute and by formulating or reformulating the terms of a possible settlement; and has a greater role than a mediator.

Settlement by 'Mediation' means the process by which a mediator appointed by parties or by the Court, as the case may be, mediates the dispute between them by applying the provisions of the Mediation Rules contained in Part II of these rules and in particular by facilitating discussion between the parties directly or by communicating with each other through the mediator by assisting the parties in identifying the issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise, generating options in an attempt to solve the dispute and emphasizing that is in their own interest.

Settlement by 'Lok Adalat' means settlement by Lok Adalat as contemplated by the Legal Services Authority Act, 1987.

Judicial Settlement means a final settlement by way of compromise before a Lok Adalat or before a suitable institution or person, which shall be deemed to be a settlement a Lok Adalat within the meaning of the Legal Services Authorities Act, 1987 (39 of 1987).

Rule 5: Procedure for reference by the Court to the different modes of settlement :

- (a) Where all or any of the party to the suit exercise their option to settle the dispute by alternative mode referred under section 89 C.P.C. as per direction of the Court under clause (b) of Rule 2, and Court after considering all the aspect of the matter as mentioned in Rule 4 and affording an opportunity of hearing to the parties thinks that there exist an element of settlement of dispute between parties by alternative mode, the Court shall refer the matter to the arbitration, reconciliation, mediation, Lok Adalat or Judicial settlement as the case may be.
- (b) Where the matter has been referred to arbitration, reconciliation mediation, Lok Adalat or Judicial settlement by the Court under clause (a) of Rule 5, the relevant procedure and rules of that mode shall apply.
- (c) No next friend or guardian for the suit shall without the leave of the Court, expressly recorded, opt for any one of the mode of alternative dispute resolution nor shall enter into any settlement on behalf of a minor or person under disability with reference to the suit.
- (d) Where an application is made to the Court for leave to enter into a settlement on behalf of a minor or other person under disability and such minor or other person under disability is represented by pleader, the pleader shall file a certificate along with the said application to the effect that the settlement, in his opinion is for the benefit of the minor or other person under disability. The decree of the Court based on the settlement to which the minor or other person under disability is a party, shall refer to the sanction of the Court thereto and shall set out the terms of the settlement.

Rule 6: Referral of the Court and appearance before the Court upon failure of attempts to settle disputes by conciliation or Judicial settlement or mediation :

- (a) Where a suit referred for settlement for conciliation, Lok Adalat, mediation or Judicial settlement is settled between the parties. the suit will be referred back to the Court after recording settlement and the Court shall thereupon pass suitable orders in accordance with law.
- (b) If after referring the matter to any of the mode for settlement, it is felt that it is not in the interests of justice to proceed further with the matter, the suit shall be referred back to the Court with a direction to the parties to appear before the Court on a specific date.
- (c) The Court may suo moto or on an application of any party recall the suit and proceed further in accordance with law.

Rule 7: Training in alternative methods of resolution of disputes and preparation of manual :

- (a) The Uttarakhand Judicial and Legal Academy shall take steps to have training courses conducted and shall also organize the workshop and seminars for the Judicial Officers and Lawyers, Mediators & Counselors regarding the alternate modes of dispute resolution.

Part II

Civil Procedure Mediation Rules

Rule 1:

- (a) These Rules shall be called the Civil Procedure Mediation Rules, 2007.
- (b) These Rules are framed under sub clause (d) of Section 89 C.P.C.

Rule 2: Panel of Mediators :

- (a) The High Court shall for the purpose of appointing mediators between parties in suits filed on its original side, prepare a panel of mediators and publish the same on its Notice Board, within thirty days of the coming into force of these Rules, with copy to the High Court Bar Association.
- (b) The District Judge shall prepare a panel of mediators for the Districts separate list for each outlying Court within a period of sixty days of the commencement of these Rules and shall get these panels approved from High Court and publish these on Notice Board of the Courts & also send a copy to Bar Associations.
- (c) The consent of the persons whose names are included in the panel shall be obtained before empanelling them.
- (d) The panel of names shall contain a detailed Annexure having details of the qualifications and experiences of the empanelled persons.
- (e) Until a panel is prepared by the High Court or the District Judge the Court concerned may nominate a mediator having the qualification as prescribed in Rule 4 and does not suffer with any disqualification.

Rule 3: Qualifications of persons to be empanelled as mediators :

The following persons shall be treated qualified and eligible for being enlisted in the panel of mediators under Rule 2, namely :

- (a) (i) Retired Judges of the Supreme Court of India; or
- (ii) Retired Judges of the High Court; or
- (iii) Retired District and Sessions Judges or retired Judges of equivalent status; or
- (b) Legal practitioners with at least fifteen years standing at the Bar at the level of the Supreme Court, High Court, District Courts or Courts of equivalent status; or
- (c) Experts or other professionals with at least fifteen years standing, retired senior bureaucrats or retired senior executives; or
- (d) Institutions experts in mediation and recognized as such by the High Court :

Provided the names of members of the institution are approved by the High Court initially or whenever there is change in its membership.

- (e) Persons who have experience in the matter of alternative dispute resolution procedures and in particular in regard to conciliation and mediation, shall be given preference in the matter of empanelment for purposes of conciliation or mediation.

Rule 4: Disqualifications of persons being empanelled as mediators :

The following persons shall be deemed to be disqualified for being empanelled as mediators :

- (i) any person who has been adjudged as insolvent or is declared of unsound mind, or
- (ii) any person against whom criminal charges involving moral turpitude are framed by a criminal Court and are pending, or
- (iii) any person who has been convicted by a criminal court for any offence involving moral turpitude, or
- (iv) any person against whom disciplinary proceedings or charges relating to moral turpitude have been initiated by the appropriate disciplinary authority which are pending or have resulted in a punishment, or
- (v) any person who is interested or connected with the subject matter of dispute or is related to any one of the parties or to those who represent them unless such objection is waived by all the parties in writing, or
- (vi) any legal practitioner who has or is appearing for any of the parties in the suit or in any other or proceedings,
- (vii) such other categories of persons as may be notified by the High Court from time to time.

Rule 5: Appointment of mediator:

When the parties opt for mediation under Rule 5 of Part I of rules and if ;

- (a) All the parties to a suit may agree to nominate the sole mediator.
- (b) Where all the parties to suit are unable to agree to nominate the sole mediator, each set of parties shall nominate mediator.
- (c) Where parties agree on a sole mediator under clause (a) or where parties nominate more than one mediator under clause (b) the mediator need not necessarily be from the panel of mediators referred to in Rule 1 nor bear the qualifications referred to in Rule 2 but should not be a person who suffers from the disqualifications referred to in Rule 5.
- (d) Where parties fail to nominate mediator under clause (a) or (b) the Court shall appoint a sole mediator out of panel prepared under Rule 3.
- (e) The Court after nominating the mediator shall refer the matter to mediator for mediation and shall fix a date for appearance of parties before mediator.

Rule 6: Preference :

The Court shall, while nominating any person from the panel of mediators referred to in Rule 3, consider his suitability for resolving the particular class of dispute involved in the suit and shall give preference to those who have proven record of successful mediation or who have special qualification or experience in mediation.

Rule 7: Venue for conducting mediation :

The mediator shall conduct the mediation at one or other of the following places:

- (i) Venue of the Lok Adalat or permanent Lok Adalat.
- (ii) Any place identified by the District Judge within the Court precincts for the purpose of conducting mediation.
- (iii) Any place identified by the Bar Association or State Bar Council for the purpose of mediation within the premises of the Bar Association or State Bar Council, as the case may be.
- (iv) Any other place as may be agreed upon by the parties subject to the approval of the Court.

Rule 8: Procedure of mediation:

- (a) The parties may agree on the procedure to be followed by the mediator in the mediation proceedings.
- (b) Where the parties do not agree on any particular procedure to be followed by the mediator, the mediator shall follow the following procedure :
 - (i) shall fix a venue, the date and the time of each mediation session, in consultation of parties.
 - (ii) may conduct joint or separate meetings with the parties;
 - (iii) each party shall furnish to the mediator copies of pleadings or documents or such other information as may be required by him in connection with the issues to be resolved.

Provided that where the mediator is of the opinion that he should look into any original document, the court may permit him to look into the original document before such officer of the Court and on such date or time as the Court may fix.
 - (iv) each party shall before session, provide to the mediator a brief memorandum setting forth the issues, need to be resolved, and its position in respect to those issues and all information reasonably required by the mediator to understand the issue, such memoranda shall also be mutually exchanged between the parties also.
- (c) Where there is more than one mediator, the mediator nominated by each party shall first confer with the party that nominated him and shall thereafter interact with the other mediators, with a view to resolving the disputes.

Rule 9: Mediator not bound by Evidence Act, 1872 or Code of Civil Procedure, 1908

The mediator shall not be bound by provision the Code of Civil Procedure, 1908 or the Evidence Act, 1872, but shall be guided by principles of fairness and justice, having regard to the rights and obligations of the parties, usages of trade, if any, and the nature of the dispute.

Rule 10: Duty of mediator to disclose certain facts :

When a person is approached in connection with his possible appointment as a mediator or during the mediator proceeds if required, the person shall disclose in writing to the parties, any circumstance likely to give rise to a justifiable doubt as to his independence or impartiality.

Rule 11: Role of mediator :

The mediator shall attempt to facilitate voluntary resolution of the dispute by the parties, and communicate the view of each party to the other, assist them in identifying issues, reducing misunderstandings, clarifying priorities, exploring arrears of compromise and generating options in an attempt to solve the dispute, emphasizing that it is the responsibility of the parties to take decision which effect them; he shall not impose any term of settlement on the parties.

Rule 12: Administrative assistance :

In order to facilitate the conduct of mediation proceedings, the parties, or the mediator with the consent of the parties, may arrange for administrative assistance by a suitable institution or person.

Rule 13: Cancellation of appointment :

Upon information furnished by the mediator under Rule 8 or upon any other information received from the parties or other persons, if the Court, is satisfied, upon such inquiry, if any, as it deems fit, and after giving an opportunity of hearing to the mediator, that the said information has raised a justifiable doubt as to the mediator's independence or impartiality, shall cancel the appointment by a reasoned order and replace him by another mediator.

Rule 14: Removal of mediator:

The name of the mediator may be removed/deleted from the panel by the Court which empanelled him on the following grounds and after affording an opportunity of hearing to the mediator concerned and upon enquiry, if any, to which the Court deems fit by passing the reasoned order.

- (i) Mediator resigns or withdraws his name from the panel for any reason;
- (ii) Mediator is declared insolvent or is declared of unsound mind, otherwise has become incapacitated to conduct the mediation proceedings;
- (iii) Criminal charges involving moral turpitude are framed by a Criminal Court against the mediator;
- (iv) Mediator is convicted by a criminal court for any offence;
- (v) Disciplinary proceedings on charges relating to moral turpitude are initiated by appropriate disciplinary authority which are pending or have resulted in a punishment against the mediator;
- (vi) Mediator exhibits or displays conduct during the mediation proceedings, which is unbecoming of a mediator.

Rule 15: Parties alone responsible for taking decision:

The parties must understand that the mediator only facilitates in arriving at a decision to resolve disputes and that he will not and cannot impose any settlement nor does the mediator give any warranty that the mediation will result in a settlement.

Rule 16: Time limit for completion of mediation:

On the expiry of sixty days from the date fixed for the first appearance of the parties before the mediator, the mediation shall stand terminated unless the Court, either suo moto, or upon request by the mediator or any of the parties, and upon affording an opportunity of hearing to all the parties, is of the view that extension of time is necessary or may be useful but such extension shall not be beyond a further period of thirty days.

Rule 17: Parties to act in good faith :

While no one can be compelled to commit to settle his case in advance of mediation, all parties shall commit to participate in the proceedings in good faith with the intention to settle the dispute, if possible.

Rule 18: Confidentiality, disclosure and inadmissibility of information:

(1) When a mediator receives confidential information concerning the dispute from any party, he shall disclose the substance of that information to the other party, if permitted in writing by the first party.

(2) When a party gives information to the mediator subject a specific condition that it be kept confidential, the mediator shall not disclose that information to the other party, nor shall the mediator voluntarily divulge any information regarding the documents or what is conveyed to him orally as to what transpired during the mediation.

(3) Receipt or perusal, or preparation of records, reports or other documents by the mediator, or receipt of information orally by the mediator while serving in that capacity, shall be confidential and that mediator shall not be compelled to divulge information regarding the documents nor in regard to the oral information not as to what transpired during the mediation.

(4) Parties shall maintain confidentiality in respect of events that transpired during mediation and shall not rely on or introduce the said information in any other proceedings as to :

- (a) Views expressed by a party in the course of the mediation proceedings;
- (b) Documents obtained during the mediations which were expressly required to be treated as confidential or other notes, drafts or information given by parties or mediators;
- (c) Proposals made or views expressed by the mediator;

- (d) Admission made by a party in course of mediation proceedings;
- (e) The fact that a party had or had not indicated willingness to accept a proposal;
- (f) There shall be no stenographic or audio or video recording of the mediation proceedings.

Rule 19: Privacy:

Mediation sessions and meetings are private; only the concerned parties or their counsel or power of attorney holders can attend. Other persons may attend only with the permission of the parties or with the consent of the mediator.

Rule 20: Immunity:

No mediator shall be held liable for Civil or Criminal action for his bona fide acts or omission the mediation proceedings nor shall he be summoned by any party to the suit to appear in a Court of law to testify in regard to information received by him or action taken by him or in respect of drafts or records prepared by him or shown to him during the mediation proceedings.

Rule 21: Communication between mediator and the Court:

- (a) In order to preserve the confidence of parties in the Court and the neutrality of the mediator, there should be no communication between the mediator and the Court, except as stated in clauses (b), (c) and (d) of this Rule.
- (b) If any communication between the mediator and the Court is necessary, it shall be in writing and copies of the same shall be given to the parties or their counsel or power of attorney.
- (c) Communication between the mediator and the Court shall be limited to the following:--
 - (i) With the Court about the failure of party to attend;
 - (ii) With the Court with the consent of the parties;
 - (iii) Regarding his assessment that the case is not suited for settlement through mediation.
- (d) That the parties have settled the dispute.

Rule 22: Settlement Agreement:

(1) Where an agreement is reached between the parties in regard to all the issues in the suit or some of the issues, the same shall be reduced to writing and signed by the parties or their power of attorney holder. If any counsel have represented the parties, they shall attest the signature of their respective clients.

(2) The agreement of the parties so signed and attested shall be submitted to the mediator who shall, with a covering letter signed by him, forward the same to the Court in which the suit is pending along with all the record of proceedings and fix a date for appearance of parties before Court.

(3) Where no agreement is arrived at between the parties, before the time limit stated in Rule 18 or where, the mediator is of the view that no settlement is possible, he shall report the same to the Court in writing.

Rule 23: Court to fix a date for recording settlement and passing decree :

(1) On receipt of any settlement, the Court shall record the settlement, then pass a decree in accordance with the settlement so recorded, if the settlement disposes of all the issues in the suit.

(2) If the settlement disposes of only certain issues arising in the suit, the Court shall record the settlement and shall proceed in accordance with law.

Rule 24: Fee of mediator and costs :

(1) At the time of referring the disputes to mediation, the Court shall, fix the fee of the mediator, and shall be payable by the parts as by the parties as directed by Court.

(2) As far as possible a consolidated sum may be fixed rather than for each session or meeting.

(3) Each party shall bear the cost for production of witnesses on his side including experts, or for production of documents.

(4) The mediator may, before the commencement of mediation, direct the parties to deposit equal sums, tentatively, to the extent of 40% of the probable costs of the mediation, as referred to in clauses (1) and (3). The remaining 60% shall be deposited with the mediator, after the conclusion of mediation. For the amount of cost paid to the mediator, he shall issue the necessary receipts and a statement of account shall be filed by the mediator in the Court.

(5) The expense of mediation including fee, if not paid by the parties the Court shall on the application of the mediator or parties direct the concerned party to pay and if they do not pay the Court shall recover the said amounts as if there was a decree for the said amount.

(6) Where a party is entitled to legal aid under section 12 of the Legal Services Authority Act, 1987, the amount of fee payable to the mediator and costs shall be paid by the concerned Legal Services Authority under that Act.

Rule 25: Ethics to be followed by mediator :

The mediator shall :

- (a) follow and observe these Rules strictly and with due diligence;
 - (b) not carry on any activity or conduct which could reasonably be considered as conduct unbecoming of a mediator ;
 - (c) uphold the integrity and fairness of the mediation process;
 - (d) ensure that the parties involved in the mediation are fairly informed and have an adequate understanding of the procedural aspects of the process;
 - (e) avoid, while communicating with the parties, any impropriety or appearance of impropriety;
 - (f) be faithful to the relationship of trust and confidentiality imposed in the office of mediator;
 - (g) conduct all proceedings related to the resolutions of a dispute, in accordance with the applicable law;
 - (h) recognize that mediation is based on principles of self-determination by the parties and that mediation process relies upon the ability of parties to reach a voluntary, undisclosed agreement;
 - (i) refrain from promises or guarantees of results.
- (7) (a) The High Court shall take steps to have training courses conducted in places where the High Court and the District Courts or Courts of equal status are located, by requesting bodies recognized by the High Courts or the Universities imparting legal education or retired Faculty Members or other persons who, according to the High Court are well versed in the techniques of alternative methods of resolution of dispute, to conduct training courses for lawyers and judicial officers;

- (b) (i) The High Court may nominate a committee of Judges, faculty members including retired persons belonging to the above categories, senior members of the Bar, other members of the Bar specially qualified in the techniques of alternative dispute resolution, for the purpose referred to in clause (a) and for the purpose of preparing a detailed manual of procedure for alternative dispute resolution to be followed by the Courts in the State as well as by the arbitrators, or authority or person in the case of judicial settlement or conciliators or mediators.
- (ii) The said manual shall describe the various methods of alternative dispute resolution, the manner in which any one of the said methods is to be opted for, the suitability of any particular method for any particular type of dispute and shall specifically deal with the role of the above persons in disputes which are commercial or domestic in nature or which relate to matrimonial, maintenance and child custody matters.

RAM SINGH,
Registrar General.